

new loop.) Instead, SBC will wait either until it undertakes a relief job to install new plant or until sufficient customers have disconnected their service in the relevant geographic area that new loop plant is freed up. When SBC holds orders until new loop plant is freed up, SBC installs the new loops in the order in which it receives the loop orders. Thus, a customer who asks to drop DSL with a CLEC may have to wait behind all retail customers (or CLEC customers) who have already ordered new loops before his new loop will be installed. In such “held order” scenarios, it often takes the ILECs many days to install new loops. In the interim, the customer may be without service. Such lengthy loss of service would be a significant price to pay for disconnecting one’s DSL service. MCI has asked SBC about this and has not received any assurance that this will not happen.

66. SBC’s unnecessary decision to replace the existing loop with a new loop also appears to increase costs for CLECs. When a CLEC places an order to disconnect line-splitting, SBC charges a \$1.54 NRC for the service order to disconnect the loop, as well as a \$5.85 disconnection charge. It also charges a \$3.15 service order charge to connect the new loop, as well as a \$17.82 connection charge for the new loop. Most of these charges appear to exist only because the loop is changing. If the loop were not changing, the process would be equivalent to an SBC retail customer moving from a line sharing arrangement with a DLEC to UNE-P (voice only) with a CLEC. In such a scenario, SBC charges only the same \$1.54 service order charge for loop, \$10.00 for disconnection (for some reason more than the \$5.85 charged in the line splitting disconnect scenario), but charges only a \$.35 service order charge to migrate the voice to the UNE-P. There is no \$3.15 service order charge or \$17.82 connection charge for a new loop.

67. Because the risks associated with installation of a new loop are too high and likely to significantly anger customers who will not understand the need for a new loop, MCI has decided not to place orders with SBC to disconnect line-splitting. Instead, if a customer wants to disconnect DSL, MCI follows SBC's work-around and simply disconnects the customer's line from MCI's DSLAM in MCI's collocation cage. The customer will therefore keep his existing loop, which will continue to be cross-connected from the MDF to the CFA and then on to the splitter.
68. This work-around avoids the problems associated with installation of a new loop, but it is far inferior to a process, such as that used by other ILECs, in which the loop and port are again connected directly. First, with this work-around, SBC will continue to charge MCI for an xDSL-capable loop even after the customer has dropped DSL. SBC will not know that the customer dropped DSL, since MCI will not have submitted any disconnect orders to SBC. SBC will therefore charge MCI the additional \$1.79 per month that it charges for an xDSL-capable loop above and beyond its ordinary loop charges (even though, in reality, the loops are no different).² Second, the loop will continue to be connected to MCI's splitter, which will leave MCI less capacity to serve other DSL customers. As DSL ordering volumes increase, and more and more customers order DSL, the number of customers who drop DSL will also increase. Over time, the capacity in MCI's splitters will increasingly come to be used by customers who no longer have DSL. Moreover, because MCI plans to begin ordering line-splitting with DLEC partners, their splitter capacity will also come to be used by customers who no longer have DSL (assuming they are willing to adopt MCI's work-around solution in the first place). Third, trouble

² This is based on Access Area A. SBC charges \$10.26 per month for an xDSL capable loop in Access Area A and \$8.47 for an ordinary loop.

reporting will be more difficult than if loops were directly connected to ports, because isolation of troubles will requires checking both the SBC network and the facilities in MCI's (or the DLEC's) collocation cage. Fourth, making changes on UNE-P lines (such as feature changes) will be more complicated than if the loops were connected directly to the ports. Submitting such change orders requires a different process when SBC still views the line as a line split line, and the MCI service representatives will have to know that the particular UNE-P customer's line is still considered a line split line or the representative will not be able to send the appropriate orders. Finally, because the customer will be connected to MCI's splitter, there may be problems if the customer decides to leave MCI.

69. SBC attempts to justify the process it employs for disconnecting DSL for line-splitting customers by asserting that it must replace the existing loop with a new loop to ensure that the loop is voice capable. That is absurd, as is apparent from the fact that MCI has decided to adopt a work-around process that does not use a new loop. MCI adopted this work around *at SBC's suggestion*. In fact, the loops used by MCI for line-splitting customers are just as voice-capable as any other loops used by MCI customers, since nothing changed with respect to those loops (other than the cross-connects) when MCI ordered line-splitting in the first place. MCI does not order any sort of line conditioning on any DSL line it orders. (And if MCI had ordered such conditioning on a particular line, SBC would be aware of that fact. MCI would have submitted an LSR requesting such conditioning and SBC would have performed the work.) Moreover, if the line-split loops were not voice-capable, as SBC suggests, then MCI's line-splitting customers would surely complain about the diminished voice quality.

70. In any case, the voice quality of loops for MCI's customers is MCI's responsibility. Even if there were some risk that keeping the same loop without line-splitting would diminish voice quality, it would be MCI that would have to weigh that risk against the risk of moving the customer to a new loop. At present, MCI does not have this choice, but instead has a much worse choice. It can enable customers to keep their loop only by adopting a work-around solution that has detrimental effects on both MCI and its customers.
71. One other potential problem with line-splitting has arisen recently. SBC announced in an Accessible Letter that after line-splitting has been installed, CLECs are responsible for the E911 records. SBC says this is so because SBC has no control over what happens in a CLEC's collocation cage. It is not clear to MCI what SBC is saying in its Accessible Letter. Nothing that happens in a CLEC's collocation cage affects the customer's address, and nothing should affect the E911 records. The only thing that should require a change in E911 is if the address changes or if the cable pair is connected to a new address. SBC is the company that would know if this happens. Thus, MCI does not know what responsibility SBC is attempting to impose on CLECs by asserting they are responsible for E911 records after a line-splitting order has been processed.

Performance Data

72. SBC still has not come close to passing the BearingPoint test. It still has satisfied fewer than half of the test points. And its performance is still unsatisfactory for more than a quarter of the test points. Ehr/Fioretti Decl. ¶59. SBC argues that a finding of unsatisfactory performance does not really mean that its performance is unsatisfactory because SBC may eventually satisfy BearingPoint. And certainly the whole point of the

test is for SBC's performance to become satisfactory through changes and retests. But the fact is that as of BearingPoint's April 30, 2003 Report, SBC still had not shown its performance was satisfactory.

73. SBC continues to attempt to minimize problems with its metrics reporting by pointing to the E&Y evaluation. But that evaluation did not even cover all of the issues covered by BearingPoint. It did not cover any of the issues associated with PMR1 – Data Collection and Storage Verification, where SBC has satisfied only 50% of the test points in the BearingPoint test and where its performance is still not satisfactory for 26.2% of the test points. Moreover, as I explained in detail in my prior declarations, for reasons that I will not repeat here, the BearingPoint test was superior to that of E&Y and thus the E&Y test cannot be relied upon where BearingPoint still believes SBC's performance is unsatisfactory.

Change Management

74. SBC states that it has demonstrated a pattern of compliance with the requirements set forth in the Change Management Plan, as evident from the implementation of LSOG 6 on June 14, 2003. But the reality is that change management has completely broken down. What was once a change management process that worked relatively effectively in the SWBT region is now functioning ineffectively at best.
75. Every time SBC releases a new version of EDI, the release is beset with systems defects. And the documentation contains numerous important errors as well. For release 5.02, for example, which was implemented in the last quarter of 2002, SBC has already released *five* sets of documentation changes. For release 5.03, which was implemented in March 2003, SBC has already released three sets of documentation changes. And for release

6.0, which was implemented on June 14, SBC has already released one set of documentation changes.

76. SBC's defect report shows many defects from each of the three most recent releases. As of July 1, 2003, it shows 65 defects from Release 5.02, 111 from Release 5.03, and already 53 from Release 6.0 (with almost two-thirds of these (146 altogether) affecting the SBC-Ameritech region). And this list includes only the actual and potential CLEC impacting defects that are still outstanding, not defects that do not impact CLECs or defects that have already been resolved. (SBC suddenly removed the latter defects from its web site, meaning CLECs cannot tell how many defects there have been in the aggregate.) These defects have substantial impacts. For example, one defect from release 5.02 concerns customers who move but want to retain their phone number. SBC is generating an extra service order that is causing SBC to treat the order as a request for a new line and new phone number, creating obvious problems for customers.
77. The sheer volume of defects and documentation flaws is so significant that when MCI moves to a new software version, it avoids moving to the latest version. It moves to a version that has already been in production for some time with the hope that some of the defects and documentation problems will already have been corrected. But this strategy prevents MCI from taking advantage of the latest functionality. It also is only partially successful in achieving MCI's goal. Because many other CLECs seem to have adopted the same strategy as MCI, and because SBC does not seem able to uncover problems with its releases on its own, many problems with releases remain in existence until a number of CLECs, often including MCI, move to a release and then face the problems caused by defects and documentation errors. Thus, while MCI chose recently to move to Release

5.03 and has not yet moved to Release 6.0, there are still many outstanding defects in Release 5.03. And on June 24, SBC sent out an Accessible Letter with yet another set of documentation changes that applied to Release 5.03 (as well as 5.02 and 6.0).

78. MCI has continuously raised these concerns with SBC in the monthly SBC CMP meetings, but to no avail. SBC has not taken any steps to diminish the number of defects and documentation errors in each release.
79. In addition to the poor quality of SBC's EDI releases, SBC's change management process fails in its other important tasks as well. It no longer ensures that CLECs have a real opportunity to make change requests of SBC that SBC will implement in anything like a reasonable time frame. This is apparent from looking at the Change Management and User's Forum logs. The Change Management log shows that there are seventy five change requests that SBC has not yet approved or that SBC has approved but has not yet slotted into a release. (Approximately forty four of these affect the SBC-Ameritech region.) Many of these requests were submitted years ago. For example, of the requests still waiting for any action by SBC (either approval or rejection), four requests were submitted in the first half of 2002 and ten were submitted in the second half of 2002. Of the requests that SBC has approved for implementation but has not yet slotted for implementation, four were submitted in 2001, eighteen were submitted in the first half of 2002 and eleven requests were submitted in the second half of 2002.
80. Thus, in November 2002, MCI submitted a change request asking SBC to permit ordering on Sunday as it does in the SWBT and PacBell regions. (MCI had asked for this back before establishment of the uniform platform based on the Plan of Record and had been told it would be implemented then, but SBC did not implement it.) SBC's only

response to date has been that it is still looking at this request to determine its feasibility.

But nothing has been done to move forward.

81. And even when SBC has agreed to implement a request, delays continue. In January 2003, AT&T submitted a change request asking that SBC provide separate Daily Usage Feeds (“DUF”) by state, rather than lumping the feeds together for the entire SBC-Ameritech region. When SBC lumps the huge volumes of DUF records together, it creates huge amounts of work for the CLEC, which must manually separate the records before billing its customers. In addition, the size of these files causes transmission problems between SBC and MCI. The SBC-Ameritech region is the only one where SBC does not separate DUF records by state.
82. MCI has been asking for DUF records to be separated by state since it launched service in Michigan. After being told that SBC would track the issue, MCI eventually had to open an issue in the User’s Forum. SBC responded to that issue by saying that they would implement the change, and the issue was closed out. But SBC never did make the change, and AT&T has now opened the issue in Change Management. SBC’s response has been that it may be possible to implement the change in the second or third quarter of 2004. When asked whether there was any way to reprioritize, SBC has not responded.
83. Similarly, in 2001, MCI submitted a change request to enable it to view posted service orders throughout the SBC region, as it is able to do in the SWBT region. MCI has found that this functionality enables it to better manage issues after an order has completed without the need constantly to contact SBC representatives. As of the latest update, however, “Change Management has learned that CR020085 was not committed for the 9/27/03 release. The request date has been rolled forward to 12/13/03.”

84. SBC is making no more progress addressing issues in the CLEC User's Forum. There are currently dozens of open issues in the User's Forum. Many are issues that have been open for many months. Eleven are issues that were opened in 2002 or before.
85. The difficulties in obtaining any action from SBC to address pressing issues is evident from the line-splitting issues. MCI first discussed the issues concerning installation of the new loop and the need for a mechanized "one order" process with its account team. Indeed, MCI has been holding almost weekly meetings on line-splitting issues with its account team since February. The account team told MCI to bring the line-splitting issue to the User's Forum, and MCI opened an issue in the User's Forum on April 30, 2003, explaining the problems with the current line-splitting process (as well as a request on May 28, 2003 limited only to the new loop issue). On May 7, MCI reviewed the issues for other CLECs, and SBC then attempted to push the issue back to the account team until MCI resisted. On May 28, SBC said it would provide an update at the June 4 meeting. SBC did not provide an update at that meeting, however. Ultimately, SBC and MCI agreed to discuss the line-splitting issues off line, a discussion that occurred recently. SBC initially refused to document that meeting until MCI escalated the issue, and MCI still has not received the documentation. At the meeting, the parties made no progress in addressing the line-splitting issues.
86. MCI has also attempted to address some of the line-splitting issues through change management. On April 14, 2003, MCI also issued a change request in change management that, among other things, requested that the same loop be retained when a customer moved from line-splitting. SBC's response to date has been that this request is subject to an arbitration the results from which would be applied regionally. Thus,

despite SBC's claim that it is willing to work with CLECs on line-splitting issues, its response has been typical of its response to CLEC change requests – delay and delay and then agree to nothing.

87. Indeed, as a general matter, SBC seems to have decided that it simply has no need to address CLEC change requests. It often simply dismisses them as unimportant. For example, prior to the uniform platform release, SBC had functionality that enabled it to “unreject” orders that were rejected improperly by SBC's systems. But SBC eliminated this functionality for some reason in the uniform platform release. This means that if SBC's systems erroneously reject an order, there is absolutely no way for the CLEC to correct the order and have it accepted. The systems will continue to reject the order, and SBC cannot circumvent the systems rejects. Choice One therefore submitted a change request in June 2002 asking that SBC restore the original functionality that enabled it to circumvent erroneous systems rejects. But SBC's response to date has been that there are not enough such rejects for this to be worthwhile. SBC ignores the fact that for each erroneous systems reject, the CLEC wastes significant time attempting to “fix” the order and ultimately has no way to submit the order.
88. Thus, contrary to SBC's claims, its change management process is not currently serving the functions for which it was designed. It is not ensuring that CLECs are able to obtain new functionality they need. And it is not ensuring a smooth transition to new releases. SBC must better fulfill these purposes before obtaining section 271 authorization.

Conclusion

89. This concludes my Declaration on behalf of MCI.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 2, 2003.

Sherry Lichtenberg